

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

Minute Entry

Hearing Information:

Debtor: SUSAN SIMPSON
Case Number: 2:20-BK-02088-EPB **Chapter:** 13
Date / Time / Room: WEDNESDAY, APRIL 28, 2021 10:00 AM VIDEO CONF HRGS
Bankruptcy Judge: EDDWARD P. BALLINGER JR.
Courtroom Clerk: ANNETTE FRANCHELLO
Reporter / ECR: WESLEY STANGRET

Matter:

CONTINUED TRIAL ON OBJECTION TO DEBTOR'S FOURTH AMENDED CHAPTER 13 PLAN REGARDING
FEASIBILITY FILED BY NEW HORIZONS ROTH 401K PROFIT SHARING PLAN, BRAD GILBERTSON AS TRUSTEE
R / M #: 98 / 0

Appearances:

GARY R. STICKELL, ATTORNEY FOR SUSAN SIMPSON
DEAN O'CONNOR, ATTORNEY FOR NEW HORIZONS 401K PROFIT SHARING PLAN
WITNESSES:
SUSAN SIMPSON
BRAD GILBERTSON
BECKY YOUNG

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(continue)... 2:20-BK-02088-EPB

WEDNESDAY, APRIL 28, 2021 10:00 AM

Proceedings:

The Court notes that Chase has filed an objection to confirmation.

Mr. Stickell has asked Mr. McDonald to correct the notice of mortgage to reflect the correspondence he has received from Chase. However, he has not done so. He notes that the letter from Chase has been marked into evidence as Exhibit D. He answers the Court's questions. He believes he can put on evidence today to show that the Debtor's fifth amended plan is confirmable.

Mr. O'Connor states that Chase's objection would have to be resolved before going forward to confirmation.

The Court states that considering what is on the docket as of today, the Debtor does not have the forbearance it needs or the ability to confirm a plan.

Mr. Stickell understands the Court's analysis and apologizes for not having Mr. McDonald present today.

Mr. O'Connor argues that the plan is not confirmable or feasible.

The Court and parties review docket #158, Chase's Objection to Fifth Modified Chapter 13 Plan filed by Mr. Leonard McDonald.

Mr. Stickell states that the objection does not represent what he received from Chase. He states that he has Exhibit D to support his position.

The Court and parties review Debtor's Exhibit D.

Mr. O'Connor has no objection to Debtor's Exhibit D.

COURT: IT IS ORDERED admitting Debtor's Exhibit D into evidence.

The Court notes that it cannot ignore Chase's filing.

Mr. Stickell will need to set a hearing on Chase's objection and attach his Exhibit D. He notes that he also has Exhibit E which is the Notice of Request for Mortgage Forbearance. He understands that he needs to resolve the objection with Chase before proceeding. He asks for one week to do so. He notes that he has complied with the Court's Order in not filing any pleadings.

Mr. O'Connor objects to an additional week noting that the case has gone on too long. He

